

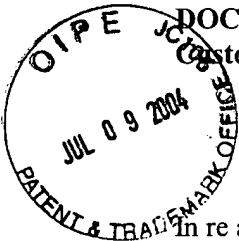
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2642

DOCKET NO. 10628ROUS01U (NORT10-00169)

Customer No. 33000

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Michael C.G. Lee

Serial No. : 09/472,910

Filed : December 27, 1999

For : CALL FEATURES FOR AUTOMATIC CALL DISTRIBUTION
SYSTEM

Group No. : 2642

Examiner : Q.H. Nguyen

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Technology Center 2600

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

Sir:

The undersigned hereby certifies that the following documents:

1. Response to Restriction Requirement; and
2. A postcard receipt;

relating to the above application, were deposited as "First Class Mail" with the United States Postal Service, addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on July 6, 2004.

Date: 7/6/04Date: 7/6/2004

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Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement mailed June 3, 2004, Applicants provisionally elect the claims of Group I, Claims 2-7, WITH TRAVERSE.

The Restriction Requirement restricts the claims under MPEP 806.05(d) as subcombinations usable together in a single combination, but which can be shown to be separately useable. MPEP 806.05(d) further requires the Office Action to show "by way of example, that one of the subcombinations has utility other than the disclosed combination. ... The burden is on the examiner to provide an example."

On page 3 of the Restriction Requirement, the Office Action merely describes the differences between the claim language in each of the claim groups, but does not provide an example of the utility of any of the subcombinations outside of the disclosed combination. In addition, the Office Action does not define the disclosed combination nor does the Office Action define the claimed subcombinations.

In MPEP 806.05(a), the terms combination and subcombination are defined as follows: “A combination is an organization of which a subcombination is an element or part.” Thus, for example, a combination consisting of elements ABC includes the following subcombinations: A, B, C, AB, AC and BC.

If the claims in each of the groups I-VI in the Restriction Requirement are subcombinations of a disclosed combination, the combination must consist of all of the elements of each of the groups, and the subcombinations consist of only those elements claimed in each group. In the present invention, the independent claims within groups I-VI each include the elements “ADC controller” or “ADC system,” “telephone station” and “attendant station,” along with other shared elements between one or more of the groups. In order to prove distinctiveness between groups I-VI, the Office Action must demonstrate that each subcombination, all of which include the above elements, is useable outside of the combination. Thus, the Office Action must provide an example of the utility of Claim 2, including all of the recited elements in Claim 2, outside of the combination.

For example, assuming the combination includes elements A-F and one of the claims includes elements A-C, an example of the use of elements A-C outside of the combination of A-F

must be shown. The Applicant respectfully submits that the Office Action has not made such a showing with respect to groups I-VI. As a result, Applicant respectfully requests withdrawal of the restriction requirement.

As a result of the foregoing, the Applicant asserts that the remaining claims are in condition for allowance and respectfully requests an early allowance of such claims.

If any issue arises, or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date: _____

7/6/2004



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